

**CITY OF BROKEN ARROW  
PLANNING COMMISSION MEETING  
MINUTES  
February 24, 2005**

The Planning Commission Agenda for this meeting was posted on February 22, 2005, at 9:15 a.m. on the City Hall Bulletin Board, 220 S. First Street.

1. The Broken Arrow Planning Commission met on Thursday, February 24, 2005, at 5:00 p.m.

2. Present: Ricky Jones, Chairperson  
Renate Caldwell, Vice Chairperson  
Robert Goranson, Commission Member  
Johnnie Parks, Commission Member (arrived at 5:06 p.m.)  
Ron Carter, Commission Member

Absent: None

Staff Present: Farhad K. Daroga, City Planner  
Brent Murphy, Asst City Planner  
James T. McHendry, Staff Planner  
Joyce Snider, Admin Asst  
Tom Hendrix, Director of Engineering  
April Parnell, Asst City Attorney  
Roger Hughes, Engineering Dept  
David Wooden, Asst City Manager

3. The Commission considered the minutes of a regular Planning Commission meeting held February 10, 2005. **Motion** by Robert Goranson to approve the minutes of the Planning Commission meeting held January 27, 2005 as presented. The motion was seconded by Renate Caldwell.

Yes: Carter, Goranson, Caldwell, Jones

No: None

**Motion Approved.**

4A. The Commission considered BAZ 1664, R-3 to O-3, 0.80 acres, southwest corner of Houston Street (81<sup>st</sup> Street) and Ash Avenue, Daniel B. Piper (Applicant). Ricky Jones said this item was continued from December 16, 2004. Brent Murphy presented the background, saying the applicant has submitted a letter requesting that this item be continued to the Planning Commission meeting to be held March 24, 2005. He said the applicant has submitted an application for a Planned Unit Development which can now be considered together with BAZ 1664 and Staff so recommends. There were no protestants present.

Motion by Ron Carter to continue BAZ 1664 to the Planning Commission meeting to be held March 24, 2005. The motion was seconded by Renate Caldwell.

Yes: Carter, Goranson, Caldwell, Jones

No: None

**Motion Approved.**

Johnnie Parks arrived at 5:06 p.m.

- 4B. The Commission considered SP 192, Stokely Heliport, 60 acres, one-half mile east of 23<sup>rd</sup> Street (County Line Road) on the south side of New Orleans Street (101<sup>st</sup> Street), Bill Stokely (Applicant/Owner). (Continued from 2-10-05). Brent Murphy presented the background, saying this property is zoned A-1 and abuts the Creek Turnpike on the east, Northeast State University is to the north across New Orleans Street, Elmwood Estates, a single family neighborhood abuts this property to the west. He said the 60-acre site is unplatted and undeveloped and heliports and landing pads can be developed with a Specific Use Permit approved by the City Council. He outlined the following elements of the application as submitted by the applicant.

No structures, shelters or buildings shall be constructed on the property in association with this request.

Helipad will be 30' x 30' pad that is more than 800 feet from the nearest residential structure.

Gravel parking that will accommodate up to three vehicles.

The helipad will be located in the northeast corner of the property adjacent to the Creek Turnpike interchange.

North side of the property along New Orleans Street will be fenced with one gated point of access.

The helipad will be used only by the applicant.

The number of landings will average two per week, about five months of the years.

Brent Murphy then read aloud the following Staff recommendations as outlined in the Staff report provided to the applicant and the Planning Commission:

1. The number of take-offs/landing at this site shall be limited to no more than four per week. A take-off/landing occurring on the same day shall be considered as only one occurrence.
2. Hours of operation shall be restricted and take-offs/landing shall be allowed to occur only between 8:00 am and 5 pm.
3. No buildings shall be constructed on the property.
4. A fence shall be installed along the north property line with access limited to one point, which shall be gated.
5. Gravel parking that will accommodate no more than three vehicles shall be allowed.
6. Use of the heliport will be restricted to only the owner of the property associated with SP 192 and emergency helicopters.
7. Helipad can be either paved or unpaved, but shall be limited to 30' x 30' in size. Helipad shall be located in the northeast corner of the property in the area shown on the drawing submitted February 15, 2005.
8. Take-offs/landings will occur to the east and south. There will be no direct flights over Northeastern State University at Broken Arrow or the Elmwood Estates neighborhood.
9. If approved by the City Council, Specific Use Permit 192 shall expire two years from the date of City Council approval. Applicant may reapply to have the specific use permit extended.
10. All applicable State and Federal regulations shall be complied with.

Mr. Murphy said, since this is considered a temporary use, Staff recommends platting be waived.

Ron Carter asked what the status of this permit would be if this property were to be sold. Brent Murphy said if the new owner of the property has a helicopter that he or she wishes to use, they would be allowed this use. However, the present owner would no longer be allowed to use the helipad.

4B. continued

Johnnie Parks asked if the permit is for two years and Brent Murphy said that is what Staff has recommended.

Bill Stokely, 3605 Orange Circle, Broken Arrow, the applicant, talked about his activities involved in informing the neighbors in the area of the proposed helipad regarding his absence at the last Planning Commission meeting. He commented on the length of his residence in Broken Arrow and outlined his intentions in regard to this property. He said there would be no development, no bulldozers, the wooded area will remain as a buffer between the expressway and most of the homes that back up to the area; the pasture will remain the same and will continue to be mowed, no low income housing, no runway, no Black Hawk helicopters landing, there will be a security fence. He said the property is zoned C-2 and will be published when it is platted.

Mr. Stokely said he has been flying at 500 feet over the homes for 15 years and would be landing 800 feet away from the closest home, and more than one-half mile away from the furthest home. He made comparisons between the noise his helicopter makes and the noise other helicopters and other types of transportation make.

Ron Carter asked if Mr. Stokely still has his helipad at 41<sup>st</sup> and Highway 169, and if so, will he leave his helicopter at the Broken Arrow location. Mr. Stokely said he would not leave it in Broken Arrow. Discussion followed and Mr. Stokely provided photos of aerial views of his property in Broken Arrow.

The difference between heliport and a helipad was discussed and Mr. Stokely provided photos of other helipad sites in the Tulsa area. He talked about his activities involving prospective developers.

There were about 45 protestants present. Four members of the audience indicated their desire to present the views of the protestants present.

Mike Hill, 10123 South 198<sup>th</sup>, Elmwood Estates, asked what type of fencing will be installed and was told it will be a cyclone fence. Mr. Hill asked about the permitted number of decibels in Broken Arrow. Discussion followed regarding how noise is regulated in the City Code.

Robert Chehey, 10303 South 193rd East Avenue, said if Mr. Stokely's helicopter is as quiet as his (Mr. Chehey's) motorcycle, he has no objection to Mr. Stokely placement of a helicopter pad. He asked who will monitor Mr. Stokely's flights. Ricky Jones said if the conditions approved by the City are not obeyed, it will be incumbent on the City to enforce the conditions and neighborhood observers to report the violation.

Rex Schumann, 10123 South 200<sup>th</sup>, said he has a petition from 84 people who live on 200<sup>th</sup> and 198<sup>th</sup> and submitted the petition to the Planning Commission. He asked what two landings a day meant and Brent Murphy said Staff recommended no more than four per week and one landing and subsequent takeoff on the same day would consist of one occurrence. Mr. Schumann said Mr. Stokely's helicopter is quiet when airborne but it is loud on take off and landing. He said (Mr. Stokely's property) is 810 feet from property line to property line, so his landings and take off location will be closer than 800 feet to the nearest residences. He asked if the City plans to continue with the walking trail up by the Turnpike. The funding for the trail was discussed and Mr. Schumann said if the trail is on this side of the Turnpike, the helipad will be even closer to the people using the trail. Mr. Schumann said it was also a safety issue for the neighborhood and pointed out other property owned by Mr. Stokely that he could use and talked about the drop in property values this helipad would cause.

D. C. Anderson, 21101 East 101<sup>st</sup> Street, suggested that the Commission Mr. Goranson raised, whether this is to be a heliport or a helipad.

Ricky Jones said letters have been received from Ted Allison, President and CEO of the Chamber of Commerce, Leroy Landis, Paradigm Properties and Jason M. Hair, Tee Town Golf Ranch in support of Mr. Stokely's application.

Robert Goranson asked Mr. Stokely the make and model of his helicopter. Mr. Stokely said it is a Robson Helicopter, R44.

Mr. Stokely talked about the petition submitted and the conditions recommended by Staff. He talked about his landing and take off pattern and said he had more to lose than anybody else. He said the fence will be a cyclone fence with barbed wire on the top. He said 70% of all the helipads of which he had provided photos to the Planning Commission have access walking, or parking or public walkways closer than this one to his. He said this will be a helipad, not a heliport. He said people are free to call him with questions and he hopes to be a good neighbor.

Robert Goranson asked Mr. Stokely how far away he will be from the billboard in that area. Mr. Stokely said he wouldn't hit it. Discussion followed regarding possible future development.

Johnnie Parks asked what the zoning is. Farhad Daroga said the map shows Agricultural zoning but the property did acquire C-2 zoning subject to the property being platted. The platting has not been completed, so the property remains A-1.

Johnnie Parks asked about the difference between a helipad and a heliport. Farhad Daroga said a helipad has been requested, which is less intensive than a heliport. Johnnie Parks talked about the regulation of noise in the City. He said he hoped the entire property would remain the same as long as the helipad was there. Discussion followed.

Ron Carter talked about the time period of this permit and suggested one year rather than two years in order to provide the neighbors with an opportunity to make the City aware of any problems that might be caused by this permit. April Parnell talked about the meaning of the phrase "one occurrence" referring to helicopter landing and take off.

Mr. Stokely said the helicopter will not be stored at this location, so he will land, pick up people, and take off and that would be one occurrence. Discussion followed regarding where Mr. Stokely lands his helicopter presently.

**Motion** by Renate Caldwell To recommend approval of SP 192, a helipad, as recommended by Staff, for a one-year period. The motion was seconded by Ron Carter.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No. None

**Motion Approved.**

Ricky Jones said this item will be considered by the City Council in their meeting of March 21, 2005, at 6:30 p.m.

5. The Commission considered the Consent Agenda. Brent Murphy reviewed each item on the Consent Agenda.

**Motion** by Ron Carter to approve the Consent Agenda as recommended by Staff, with the exception of Item No. 4E. The motion was seconded by Johnnie Parks.

Yes: Carter, Parks, Goranson, Caldwell

No: None

**Motion Approved.**

- 5A. PT05-104, DN05-114, The Duplexes at Oak Creek preliminary plat, 1 lot, 0.24 acre, R-4 (BAZ 1649), northwest corner of East Louisville Street and State Highway 51, Howard Consulting (Engineer). The applicant was not present. This item was approved as recommended by Staff.
- 5B. PT05-105, DN05-115, A. G. Industrial Park Amended preliminary/conditional final plat, I-1, 1 lot, 17.36 acres, east of the southeast corner of Albany Street (61<sup>st</sup> Street) and Olive Avenue (129<sup>th</sup> E. Avenue), Breisch & Associates, Inc. (Engineer). The applicant was not present. This item was approved as recommended by Staff.
- 5C. ST05-100, DN04-178, Sonic Drive-In at Houston Commons landscape plan, C-2, (PUD 146) 0.86 acres, one-quarter mile east of Garnett Road on the north side of Houston Street, Alaback Design & Associates, (Applicant). The applicant was not present. This item was approved as recommended by Staff.
- 5D. BAL-877, one-quarter mile north of Washington Street (91<sup>st</sup> Street) on the west side of Elm Place, R-1, R-3, R-5 (BAZ 1659), and PUD 147, 14.34 acres, Roy Johnsen (Applicant). The applicant was present. This item was approved as recommended by Staff.

6. **ITEMS REMOVED FROM THE CONSENT AGENDA**

**PLANNED UNIT DEVELOPMENT & REZONING REQUEST**

- 7 The Commission considered PUD 156 and BAZ 1666, The Villages at Stone Wood Hills, 153.67 acres, R-1, R-3, R-5, O-2 and C-5 and PUD 127A to R-5, R-6, C-5 and PUD 156, north of the Broken Arrow Expressway, east and west of Elm Place, and south of the Section Line for Sections 2 and 3, Township 18 North, Range 14 East, Roland Investments, Ltd (Applicant/Owner). Brent Murphy presented the background and outlined the following elements of the application, saying. PUD 156 is a request for a Planned Unit Development (PUD) overlay zoning on 153.7 acres located on the north side of the Broken Arrow Expressway, east and west of Elm Place, and south of the Section Line for Sections 2 and 3, Township 18 North, Range 14 East. BAZ 1666, a request to change the underlying zoning on this property from R-1, R-3, R-5, O-2, and C-5 to R-5, R-6, C-5 has been submitted in conjunction with PUD 156. In addition, the east portion of the property is located in PUD 127A. He said the applicant has requested that the east, unplatted portion of the property that is located in PUD 127A be abrogated. He said PUD 156 is proposed to be a mixed-use development containing both commercial and residential uses. According to the design statement, there is 117.2 acres of C-5 zoning, 23.7 acres of R-6 zoning, and 12.8 acres of R-5 zoning. He said the commercial area will be developed in accordance with the C-5 development regulations with certain exceptions, which he outlined.

7. continued

Brent Murphy said, based on the Comprehensive Plan, the location of the property and the surrounding uses, Staff recommends approval of BAZ 1666 subject to the property being platted, that the unplatted portion of PUD 127A be abrogated and PUD 156 by approved as presented.

Ron Carter asked about the building height limitation and Brent Murphy said there would be no height limitation on either residential or commercial or mixture of both buildings. Discussion followed.

Roy Johnsen, attorney representing the Phil Roland family, said this is an extraordinary project and said a number of elements are involved in this project, in that it contains a mile and three-tenths frontage along the Broken Arrow Expressway, the property is divided north-south by Elm Place, which is a primary arterial and is basically the door into Broken Arrow. He said City Staff has been extremely helpful in assisting the development process. He talked about the conference center site and the configuration, proposed zoning and use of the areas in the development.

Bill Zilmer, 1909 North 8<sup>th</sup> Street, Broken Arrow, Stone Wood Hills, Section One, Vice President of the Homeowners Association, said he and his neighbors did not know what was planned and had received no notice of a hearing. He expressed disagreement with the location of the sign posted by the City regarding this public hearing. He said he and his neighbors are concerned about the possibility of an apartment building being placed on the hill close to their subdivision. He asked for an explanation in layman's terms on the proposed project. Ricky Jones explained the legal notice requirements related to this project to owners of nearby property and the steps involved in the development process. Renate Caldwell gave Mr. Zilmer a copy of the PUD design statement for his information. Discussion followed.

David Daris, 2009 North Eighth Street, Broken Arrow, President of the Stone Wood Hills Homeowners Association, said they would just like a little more communication and expressed concern regarding the runoff from the hill, which has been partially clear cut, when it rains and sediment in the ponds which causes problems. He said ground cover needs to be installed.

Paul White, 1700 North 9<sup>th</sup> Street, representing the Betty Conley Trust, said he has the same questions as those expressed here. He said they are getting water on the back of the property that was never there before. Ricky Jones said to contact the City to address hydrology or drainage problems. Mr. White said they are being impacted by this project right now. Discussion followed.

Dave Wooden, Assistant City Manager, pointed out that the developer has entered into a contract with the City to give the City two acres of the hilltop for a convention center site and to work with the City for a hotel to support the convention center at that site, two acres for the convention center, nine more acres for the hotel.

Ron Carter asked if multi-story parking was under consideration and said he would prefer vertical parking. Dave Wooden said the parking will be on the side opposite from the housing side, which is set and will not be touched. Discussion followed.

**Motion** by Ron Carter to recommend approval of PUD 156 and BAZ 1666 as recommended by Staff.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

**Motion Approved.**

7. continued

Motion by Ron Carter to abrogate the unplatted portion of PUD 127A. The motion was seconded by Robert Goranson.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No. None

**Motion Approved.**

Ricky Jones said this item will be considered by the City Council in their meeting of March 21, 2005, at 6:30 p.m.

April Parnell clarified that this project will contain a conference center rather than a convention center.

8. The Commission considered BAZ 1667, A-1 to C-3, northwest corner of Dearborn Street (41<sup>st</sup> Street) and South 209<sup>th</sup> East Avenue, 6.136 acres, Glen Eagle, LLC (Applicant).

Ricky Jones said he had a potential conflict of interest and left the room.

Brent Murphy presented the background, saying this property was annexed into the City on June 21, 2004, and was assigned a zoning classification of A-1. The Wagoner County Board of Commissioners approved rezoning of this property from AG to C-4 on September 2, 2003. He said the Future Development Guide of the Broken Arrow Comprehensive Plan shows this property as Level 4 and C-4 is considered in conformance with the Comprehensive Plan. He said, based on the Comprehensive Plan, the location and the surrounding uses, Staff recommends that BAZ 1667 be approved.

Mac Graver, 15600 South Canyon Oaks Lane, Claremore, representing the applicant, requested that this request be approved.

Chrissie Seamster, 3414 South 214<sup>th</sup> East Avenue, Broken Arrow, expressed concern regarding the traffic that would result from this zoning and the safety issues, especially with the nearby school. She said she thought it would be better to zone this residential.

Robert Goranson explained that the Comprehensive Plan governs zoning in Broken Arrow and the policy about accepting zoning already approved before the property was annexed. Farhad Daroga explained the process involved in annexing this property. Discussion followed.

David Wooden, Assistant City Manager, said part of the problem is the way the school is set up for their traffic flow and explained what is being done to alleviate the situation. Discussion followed.

**Motion** by Ron Carter to recommend approval of BAZ 1667 as recommended by Staff. The motion was seconded by Johnnie Parks.

Yes: Carter, Parks, Goranson, Caldwell

No. None

**Motion Approved.**

Renate Caldwell said this item will be considered by the City Council in their meeting of March 21, 2005, at 6:30 p.m.

Ricky Jones returned to the meeting at 6:58 p.m.

9. **DISCUSSION:**

None.

9. **REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF -  
(NO ACTION)**

None.

10. **Motion** by Ron Carter at 6:59 p.m. to adjourn. The motion was seconded by Renate Caldwell.  
Yes: Carter, Parks, Goranson, Caldwell, Jones  
No: None  
**Motion Approved.**